

# *OFFP REGULATORY REVIEW*

**Julia Wise, Procurement Policy Analyst  
Office of Federal Procurement Policy  
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# What is OFPP?

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- OFPP was established by Congress in 1974 to provide overall direction for government-wide procurement policies, regulations and procedures and to promote economy, efficiency, and effectiveness in acquisition processes.
- Scope of federal acquisition activity:
  - 3300 contracting offices
  - 45,000 contracting officers
  - 300,000 + purchase card holders
  - \$380 billion obligated through contracts in FY 2005
  - 7.7 million contract actions plus 26 million purchase card actions

# Why is OFPP in OMB?

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- Through its placement in an institution that evaluates, formulates, and coordinates management procedures and program objectives within and among federal departments and agencies, OFPP is able to facilitate uniformity and consistency in acquisition policies and processes across federal agencies. This, in turn:
  - Builds transparency, accountability, taxpayer confidence;
  - Reduces burden and barriers to participation, allowing agencies to take maximum advantage of the marketplace; and
  - Creates a system that is more efficient and responsive.

# Authority

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OFPP Act (US Code Title 41, Chapter 7, 405)

- Provide overall direction of Government-wide procurement policies, regulations, procedures, and forms for executive agencies.
- Provide leadership and coordination in the formulation of the executive branch position on legislation relating to procurement.

# US Code TITLE 41, CHAPTER 7 OFFICE OF FEDERAL PROCUREMENT POLICY

- §§ 401, 402. Repealed.]
- § 403. Definitions
- § 404. Establishment of Office of Federal Procurement Policy; appointment of Administrator
- § 405. Authority and functions of the Administrator
- § 405a. Uniform Federal procurement regulations and procedures
- § 406. Conflict of interest standards for individuals providing consulting services
- § 406. Administrative powers
- § 407. Repealed.]
- § 408. Applicability of existing laws
- § 409. Repealed.]
- § 410. Authorization of appropriations
- § 411. Delegation of authority by Administrator
- § 412. Comptroller General's access to information from Administrator; rule making procedure
- § 413. Tests of innovative procurement methods and procedures
- § 414. Chief Acquisition Officers and senior procurement executives
- § 414a. Personnel evaluation
- § 414b. Chief Acquisition Officers Council
- § 415. Repealed.]
- § 416. Procurement notice
- § 417. Record requirements
- § 417a. Procurement data
- § 418. Advocates for competition
- § 418a. Rights in technical data
- § 418b. Publication of proposed regulations
- § 419. Contracting functions performed by Federal personnel
- § 420. Repealed.]
- § 421. Federal Acquisition Regulatory Council
- § 422. Cost Accounting Standards Board
- § 423. Restrictions on disclosing and obtaining contractor bid or proposal information or source selection information
- § 424. Repealed.]
- § 425. Contract clauses and certifications
- § 426. Use of electronic commerce in Federal procurement
- § 426a. Repealed.]
- § 427. Simplified acquisition procedures
- § 428. Procedures applicable to purchases below micro-purchase threshold
- § 428a. Special emergency procurement authority
- § 429. List of laws inapplicable to contracts not greater than simplified acquisition threshold in Federal Acquisition Regulation
- § 430. List of laws inapplicable to procurements of commercial items in Federal Acquisition Regulation
- § 431. Commercially available off-the-shelf item acquisitions; lists of inapplicable laws in Federal Acquisition Regulation
- § 432. Value engineering
- § 433. Acquisition workforce
- § 434. Modular contracting for information technology
- § 435. Levels of compensation of certain contractor personnel not allowable as costs under certain contracts
- § 436. Protection of constitutional rights of contractors
- § 437. Incentives for efficient performance of services contracts *Search this title:*

## **Federal Acquisition Regulatory Council - US Code - TITLE 41, CHAPTER 7 § 421**

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- OFPP Administrator chairs the Federal Acquisition Regulatory Council to assist in the direction and coordination of Government-wide procurement policy and Government-wide procurement regulatory activities in the Federal Government.

# **Federal Acquisition Regulation (FAR) Council**

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- **Responsibilities:**
  - **Provide overall strategy to the DAR Council and CAAC**
  - **Resolve disagreements between the DAR Council and CAAC**
- **FAR Council Members:**
  - **Chair: Office of Federal Procurement Policy (OFPP)**
  - **Department of Defense (DoD)- DPAP**
  - **General Services Administration (GSA)**
  - **National Aeronautics and Space Administration (NASA)**

# OFFP Regulatory Review Goal

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- Ensure acquisition regulations are
  - Clear,
  - Consistent, and
  - Comply with laws, statutes, E.O, etc.
- Ensure agency supplement regulations are clear, acceptable and necessary and do not conflict with the FAR.



# Regulatory Oversight

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- OFPP reviews approximately 200 to 250 federal acquisition regulations and agency acquisition regulations.
- OFPP's role is to ensure that regulations are clear and consistent and that agency regulations accurately implement or properly supplement the federal acquisition regulations.
- OFPP coordinates the review process of all DoD rules with OIRA but will also review other agency rules as requested by the Program Examiner.
- Topics range from acquisition planning to contract administration issues. Some hot areas include
  - EVM policy, HSPD 12 policy, and IPV6 policy.

# How does OFPP carry out its mission?

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- By overseeing the development of the Federal Acquisition Regulation (FAR) and agency supplements
- By formulating and coordinating acquisition legislation
- By leading activities of the Chief Acquisition Officers Council (CAOC)
- By working with GSA to provide for a government-wide procurement data system
- By directing the activities of the Federal Acquisition Institute
- By working with SBA to promote maximum participation of small businesses in federal contracting
- By working with agencies, at various levels on numerous initiatives, to improve the acquisition process.
- By working with OMB's RMOs, OFFM, Office of E-Govt & IT, and other OMB offices

# OFPP Points of Contact

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For additional information about OFPP initiatives, go to  
[www.whitehouse.gov/omb/procurement/index.html](http://www.whitehouse.gov/omb/procurement/index.html)

Acquisition regulations – Julia Wise, x57561

Acquisition legislation – Susan Alesi, x53301

Acquisition workforce – Lesley Field, x54761

Performance-based contracting – Julia Wise, x57561

Strategic sourcing – Lesley Field, x54761

Interagency contracting – Mathew Blum, x54953 & Julia Wise, x57561

Emergency contracting – Lesley Field, x54761

Competitive sourcing – Mathew Blum, x54953 & Jim Daumit, x51052

FAIR Act Inventories – Jim Daumit, x51052

Small business contracting – Mike Gerich, x56811

E-procurement – Julie Basile, x54821

International contracting – Susan Alesi, x53301